

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5161 OF 2007.

IN

FIRST APPEAL NO.1966 OF 2007.

Anisha Anil Gosavi & Anr. ...Applicants

Versus

New India Assurance Co & Anr. ...Respondents

Shri T.J.Mendon for the Applicants.

Shri Santosh Patil for Shri D.B.Sawan for the Respondent No.2.

CORAM : ABHAY S.OKA, J.
DATED : 20th November, 2007.

P.C.:

1. Heard Advocate appearing for the Applicant and the Advocate for the Respondent No.2. None appears for the Respondent No.1. I have perused the impugned judgment. Considering the findings recorded and facts of the case withdrawal of the certain amount will have to be allowed. Hence, Civil Application is disposed of by passing following order:

- (i) The first Applicant is permitted to withdraw a sum of Rs.01,50,000/- without security and the further amount of Rs.50,000/- on furnishing adequate security to the satisfaction of the Tribunal. Rest of the amount deposited by the first Respondent will be invested in the fixed

deposit in any nationalised bank and the fixed deposit shall be renewed from time to time till the disposal of the Appeal.

(ii) The first Applicant will be entitled to withdraw 25% of the interest accrued on the fixed deposit till the Applicant No.3 attains the majority. After the Applicant No.3 attains majority, it will be open for the said Applicant to apply to this Court for withdrawal of the appropriate amount.

(iii) Civil Application is disposed of accordingly.

JUDGE